

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 )  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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MB Docket No. 05-311

**Comments of the City of Irvine**

The City of Irvine believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community. Efforts to modernize the federal communications laws should not undermine the cities' authority to manage and receive compensation for use of public property on behalf of the public, to tax local telecommunications services, and to provide essential public services. In addition, cities must be able to provide for public safety, to promote competition, to ensure nondiscriminatory services and consumer protections, and to provide enhanced telecommunications services. Therefore, the City of Irvine believes that the creation of a new federal level of oversight for local cable services is unnecessary, redundant and subverts local authority.

**Cable Franchising in Our Community**

Irvine is a city with a population of 180,000. Our current franchised cable provider is Cox Communications. The City of Irvine has negotiated cable franchises since 1992 and has never been approached by a competitive provider to provide service. The City of Irvine has mechanisms in place to offer the same or a comparable franchise to a competitor upon request. The City would negotiate and issue a franchise to any alternate provider who showed they have a viable product, as our franchise is non-exclusive.

The local cable franchising process functions well in the City of Irvine. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Irvine therefore respectfully requests that the Commission not interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Sincerely,

Sean Joyce, Acting City Manager  
City of Irvine

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